

## UTILITIES DIVISION[199]

### Notice of Intended Action

**Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”**

**Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.**

Pursuant to Iowa Code sections 17A.4, 476.2, and 477A.12, the Utilities Board (Board) gives notice that on May 26, 2017, the Board issued an order in Docket No. RMU-2016-0041, In re: Review of Certificates of Franchise Authority for Cable and Video Service Rules 199 IAC Chapter 44, “Order Commencing Rule Making,” proposing to amend the Board’s Chapter 44 rules governing the Board’s issuance of certificates of franchise authority to cable and video service providers. The order approving this Notice of Intended Action can be found on the Board’s Electronic Filing System (EFS) Web site, <http://efs.iowa.gov>, in Docket No. RMU-2016-0041.

The Board is undertaking a comprehensive review of its rules to ensure the rules are current and consistent with statute. Iowa Code section 477A.3(5)“d” specifies the content of a certificate of franchise authority and provides that a certificate issued by the Board is for a term of ten years and is renewable. The Board has been issuing certificates of franchise authority since 2008. The current rules do not include a renewal process. The Board recognizes the need to have a renewal process in Chapter 44 in place before the first certificates of franchise authority issued by the Board reach the end of their initial ten-year term.

To develop the proposed amendments, the Board sought early input from stakeholders on a potential renewal process. On February 1, 2017, the Board issued an “Order Seeking Stakeholder Comment on Potential Rule Changes.” Generally, the stakeholder responses supported the potential renewal process identified by the Board.

Rule 199—44.7(17A,476,477A) proposed in this Notice outlines a process for renewing certificates of franchise authority issued by the Board.

Pursuant to Iowa Code section 17A.4(1)“a” and “b,” any interested person may file a written statement of position pertaining to the proposed amendments. The statement must be filed on or before July 11, 2017. The statement should be filed electronically through the Board’s EFS. Instructions for making an electronic filing can be found on the EFS Web site at <http://efs.iowa.gov>. Filings shall comply with the format requirements in 199 IAC 2.2(2) and clearly state the author’s name and address and make specific reference to Docket No. RMU-2016-0041. Paper comments may only be filed with approval of the Board.

No oral presentation is scheduled at this time. Pursuant to Iowa Code section 17A.4(1)“b,” an oral presentation may be requested or the Board on its own motion after reviewing the comments may determine an oral presentation should be scheduled. Requests for an oral presentation should be filed in EFS by July 11, 2017, in Docket No. RMU-2016-0041.

After analysis and review of this rule making, the Board tentatively concludes that the proposed amendments, if adopted, will not have a detrimental effect on jobs in Iowa and will have a beneficial effect by updating the rules in time to be consistent with the applicable statutory provisions.

These amendments are intended to implement Iowa Code sections 17A.4, 476.2, and 477A.12.

The following amendments are proposed.

ITEM 1. Renumber rule **199—44.7(17A,476,477A)** as **199—44.8(17A,476,477A)**.

ITEM 2. Adopt the following new rule 199—44.7(17A,476,477A):

**199—44.7(17A,476,477A) Renewal of certificate of franchise authority.**

**44.7(1)** Thirty days prior to the tenth anniversary of the issuance of the original certificate and every ten years thereafter, the certificate holder shall file with the board a notice of renewal containing the following:

- a.* An acknowledgment that the certificate holder continues to hold the certificate;
- b.* A statement that the certificate holder continues to provide cable service or video service or both in all or a portion of its approved service territory;
- c.* Any necessary updates to the address of the principal place of business, the telephone number for customer service, and the names and titles of the principal executive officers with direct authority over and responsibility for the cable or video operations;
- d.* A list of the approved areas the certificate holder currently is serving; and
- e.* A list of the areas in which the certificate holder was previously authorized to offer service but where service has ceased or never commenced.

**44.7(2)** The notice of renewal shall be filed using the VCA docket number in which the initial certificate was issued. The board will acknowledge the renewal by letter.